

# EXHIBIT 11

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

STUDENTS FOR FAIR  
ADMISSIONS, INC.,

Plaintiff,

CASE NO.

vs.

1:14-cv-14176-ADB

PRESIDENT AND FELLOWS OF  
HARVARD COLLEGE (HARVARD  
CORPORATION),

Defendant.

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DEPOSITION OF [REDACTED]  
Sacramento, California  
May 16, 2017

Reported by:  
Carrie Pederson  
CSR No. 4373

1 MR. PARK: Objection.

2 THE WITNESS: Yes.

3 BY MS. ELLSWORTH:

4 Q. All right. Other than [REDACTED], without  
5 giving me any names, do you know any other  
6 individuals who are members of SFFA?

7 A. Yes.

8 Q. How many people do you know who are members  
9 of SFFA? Again, I'm not asking for names.

10 A. Is this including or excluding [REDACTED]?

11 Q. Other than [REDACTED].

12 A. One.

13 Q. Have you ever attended a meeting or a  
14 conference call of SFFA's members?

15 MR. PARK: Objection.

16 You can answer.

17 THE WITNESS: Do you mean all of the members  
18 or some?

19 BY MS. ELLSWORTH:

20 Q. A meeting or conference call that was open  
21 to all of SFFA's members.

22 A. Not that I recall.

23 Q. Have you ever been made aware of a meeting  
24 or a conference call that was open to all of SFFA's  
25 members even if you didn't yourself participate?

1           A.     It's possible.

2           Q.     How would you become aware of that?

3           A.     It's possible that it was mentioned in an  
4 email.

5           Q.     But when you say it's possible, do you --  
6 I'm just trying to understand whether -- the nature  
7 of your answer. Do you have a memory of this or you  
8 just don't know?

9           A.     I'm not sure.

10          Q.     So you don't know whether there's been an  
11 advertised meeting or conference call open to all of  
12 SFFA's members?

13          A.     Yeah. I'm not sure.

14          Q.     But you didn't participate in one if it was  
15 held?

16          A.     Correct.

17          Q.     Other than the regular email update --  
18 strike that.

19                 Other than the monthly -- every-few-month  
20 email updates and talking with [REDACTED] and, from  
21 time to time, Mr. Blum, any other involvement in  
22 SFFA?

23          A.     I believe I'm involved in this lawsuit.

24          Q.     And that's because you are, again, what SFFA  
25 has termed a standing member; correct?

1 of SFFA?

2 A. My understanding was yes.

3 Q. And explain or describe to me your  
4 understanding of what your voting rights are as a  
5 member of SFFA.

6 A. My understanding is that there exists  
7 positions that are elected which I can't vote for.

8 Q. What positions can you vote for?

9 A. I'm not too clear on that.

10 Q. Have there been any votes that have been  
11 held since you've become a member of SFFA?

12 A. I believe so.

13 Q. How many votes do you remember?

14 A. I don't recall exactly.

15 Q. Do you have a general sense of how many  
16 votes?

17 A. Yes.

18 Q. Is it more than one?

19 A. I'm not sure.

20 Q. There's definitely one vote that you recall?

21 A. Yes.

22 Q. And you don't know if there was more than  
23 that?

24 A. Yes.

25 Q. Did you in fact participate in the one vote

1     that you recall?

2         A.     Not that I recall.

3         Q.     How did you learn that a vote was being  
4     held?

5         A.     It may have been by email.

6         Q.     If it wasn't by email, how else would you  
7     have learned of it?

8         A.     It's possible [REDACTED] told me.

9         Q.     Do you have a memory as to whether you  
10    learned about the vote from [REDACTED] as opposed to  
11    from an email?

12        A.     Not too clearly. If I had to guess, I would  
13    say email.

14        Q.     Do you recall seeing an email advertising  
15    the fact that a vote was going to take place?

16        A.     I believe so, yeah.

17        Q.     And you didn't participate in the vote?

18        A.     Not that I recall.

19        Q.     What type of position was being elected?

20        A.     My understanding is some sort of leadership  
21    position.

22        Q.     And was there more than one candidate for  
23    that leadership position?

24        A.     It's possible.

25        Q.     I'm asking if you know.

1 A. I don't know the number of candidates.

2 Q. Do you know whether there was more than one?

3 A. I don't know.

4 Q. Was [REDACTED] a candidate for that  
5 position?

6 A. I believe so.

7 Q. And do you know whether [REDACTED] was  
8 ultimately elected in connection with that vote?

9 A. My understanding is yes.

10 Q. How did you learn that [REDACTED] was  
11 elected as a member of -- or to whatever position he  
12 was running for?

13 A. It may have been by email, or he told me  
14 directly.

15 Q. Do you know which of those two things it  
16 was?

17 A. I'm not sure.

18 Q. Have you ever tried to resign from SFFA?

19 A. No.

20 Q. How would you resign if you wanted to?

21 MR. PARK: Objection.

22 THE WITNESS: I'm not sure.

23 BY MS. ELLSWORTH:

24 Q. If you wanted to do it, what would you do to  
25 try and effect that?

1 pursue?

2 A. Master's or Ph.D.

3 Q. In what disciplines?

4 A. Computer science.

5 Q. You've been at [REDACTED] for three full years  
6 now? You've completed three full years of study;  
7 correct?

8 A. Yeah.

9 Q. Have you enjoyed your time there?

10 A. Yeah.

11 Q. Have you ever looked into transferring to  
12 another institution?

13 A. I've considered it.

14 Q. What have you considered in terms of  
15 transferring?

16 A. I've considered the possibility of  
17 transferring to Harvard, for example.

18 Q. What have you looked into in terms of  
19 possibility of transferring to Harvard?

20 MR. PARK: Objection.

21 You can answer.

22 THE WITNESS: I believe as part of a  
23 declaration I signed, I stated that I was ready to  
24 apply for transfer to Harvard in the case that it  
25 ceased its use of race in applications.



1     could vote for the board of directors or to vote on  
2     particular decisions.

3     BY MS. ELLSWORTH:

4         Q.     But you didn't vote on the board of  
5     directors; right?

6         A.     Yes.

7         Q.     Did you vote on any other particular  
8     decisions?

9         A.     No.

10        Q.     And before June of 2015, you couldn't vote  
11     for anything; right?

12               MR. PARK:  Objection.

13               THE WITNESS:  I'm not sure.  I never tried.

14     BY MS. ELLSWORTH:

15        Q.     Why do you think having a vote for the board  
16     of directors would provide you with the ability to  
17     have a direct voice in decision making if you wanted  
18     to have such a voice?

19        A.     I believe that being able to vote for the  
20     people who steer an organization is one way to have  
21     an input.

22        Q.     On what do you base that belief?

23        A.     Could you clarify your question?

24        Q.     You said you believe that being able to vote  
25     for the people who steer an organization is a way to

1 was that I was 17 up until September of that year,  
2 2014, and then I turned 18 then, and then I -- yeah,  
3 shortly -- a couple months before joining SFFA.

4 Q. And so you were 18 when the November 2014  
5 date at least, if that's the right date of your  
6 membership?

7 A. Right. Yeah.

8 Q. Anything else that you discussed with  
9 Mr. Park during the break?

10 A. No. I think that's it; right? Yeah.

11 Q. Looking back at the Complaint, which is  
12 Exhibit 8, I just want to ask you about a couple of  
13 these specific paragraphs.

14 Paragraph 15 states "SFFA has at least one  
15 member who applied for and was denied admission to  
16 Harvard's 2014 entering class."

17 Do you have that in front of you?

18 A. Page eight, you said?

19 Q. Page eight, paragraph 15.

20 A. Yes, I see that.

21 Q. And you believe that that's you?

22 A. Yes.

23 Q. The next paragraph says "Applicant is Asian  
24 American."

25 A. Yeah.

1 Q. Is that accurate as to you?

2 A. Yes.

3 Q. The next paragraph says "Applicant's parents  
4 are first generation immigrants to the United States  
5 from China"; correct?

6 A. Yes.

7 Q. Is that also accurate?

8 A. Yes.

9 MR. PARK: Let her finish the question  
10 before you answer.

11 BY MS. ELLSWORTH:

12 Q. And then paragraph 18 says "Applicant  
13 graduated from high school ranked 1 out of 460  
14 students by weighted and unweighted grade point  
15 average."

16 Do you see that?

17 A. Yes.

18 Q. Were you in fact ranked first in your class  
19 when you graduated from high school?

20 A. Yes.

21 Q. At the time you applied to Harvard, were you  
22 ranked first in your class?

23 A. I believe so.

24 Q. Does your class assign class ranks? I'm  
25 sorry. Strike that.

1 Did your high school assign class ranks?

2 A. Yes. It would say on the report card or  
3 transcript.

4 Q. Were there more than one valedictorians from  
5 your high school?

6 A. Yes.

7 Q. How many valedictorians were there?

8 A. Somewhere around six.

9 Q. And does that mean that each -- strike that.  
10 How was class rank determined for your high  
11 school? Do you know?

12 A. My understanding is GPA.

13 Q. And so there was a six-way tie for the  
14 highest GPA; is that accurate?

15 A. No. The valedictorian was not determined by  
16 rank.

17 Q. How was valedictorian determined?

18 A. If I remember the rules correctly, it was  
19 people who had gotten straight A's throughout high  
20 school and had taken -- who had met threshold on the  
21 number of advanced placement classes which I think  
22 was five.

23 Q. Paragraph 19 says that "U.S. News and World  
24 Report ranked applicant's high school in the top five  
25 percent of all high schools in the United States."

1 Is that accurate?

2 A. I believe so.

3 Q. Have you checked U.S. News and World Report  
4 to see whether your high school is ranked in the top  
5 five percent of all high schools?

6 A. I haven't verified this myself, no.

7 Q. And, again, what is your high school? What  
8 was the name of your high school?

9 A. [REDACTED].

10 Q. Paragraph 20 says "Applicant achieved a  
11 perfect score of 36 on the ACT."

12 Stopping there, is that accurate?

13 A. Yes.

14 Q. Is that an overall score or an individual  
15 component score?

16 A. Overall score.

17 Q. Next sentence states "Applicant achieved a  
18 perfect score of 800 for SAT II History and a perfect  
19 score of 800 or SAT II Math."

20 Are both of those numbers correct?

21 A. Yes.

22 Q. Then indicates "Applicant was named an AP  
23 Scholar with distinction, a National Scholar and a  
24 National Merit Scholarship semi-finalist."

25 Is that accurate?

1           A.     Yes.

2           Q.     Were all of those scholarships -- the three  
3 listed scholarships here, were those all information  
4 that you had at the time you applied to Harvard?

5           MR. PARK:   Objection.

6           THE WITNESS:   If I remember correctly, yes.

7           BY MS. ELLSWORTH:

8           Q.     The next paragraph has a sort of narrative  
9 description of numerous extracurricular activities.  
10 You can just read that to yourself. Let me know if  
11 everything in that is accurate.

12          A.     Yes.

13          Q.     Do you know how SFFA obtained this  
14 information about you for purposes of including in  
15 the Complaint?

16          A.     I believe it was partly provided by my  
17 father, and then I gave him the information that he  
18 didn't have already.

19          Q.     Which information did you provide to your  
20 father that he didn't already have?

21          A.     May have -- if I remember correctly, it was  
22 the transcript.

23          Q.     Was that your high school transcript?

24          A.     Yes.

25          Q.     But, again, you didn't review this Complaint

1 before sitting here today?

2 A. No.

3 Q. Back to the summer of 2014 and the meeting  
4 you described with [REDACTED] and Mr. Blum at a  
5 hotel near your home in [REDACTED] At that meeting,  
6 were you asked to serve as a standing member for SFFA  
7 in this litigation?

8 MR. PARK: Objection.

9 THE WITNESS: I don't recall the exact  
10 wording "standing," but I do believe that my role was  
11 to be somewhat similar to what you define as  
12 standing.

13 BY MS. ELLSWORTH:

14 Q. And was it at that meeting that it was  
15 decided that you would serve in that role?

16 MR. PARK: Objection.

17 THE WITNESS: I don't know if it was decided  
18 once and for all or if that was done later with the  
19 lawyers, but certainly that was discussed just like a  
20 strong possibility if not decided.

21 BY MS. ELLSWORTH:

22 Q. And what were you informed about what  
23 playing that role would entail for you personally?

24 A. My understanding is that I would not be  
25 filing the suit personally and that I would be

1 someone that SFFA sort of represents in the suit as  
2 someone who has applied to Harvard.

3 Q. What were you told about what your  
4 involvement in the litigation would be?

5 A. I understood that they would be requiring,  
6 like, my application profile to Harvard, which my  
7 father and I provided, and it was either there or  
8 later meeting with the lawyers that I think it was  
9 mentioned that my name could be released to Harvard  
10 but would not be released publicly.

11 Q. Were you ever told that your name might, at  
12 some point, be released publicly?

13 A. Yes.

14 Q. And what were you told about that?

15 MR. PARK: Objection.

16 Just want to make sure you don't disclose  
17 anything that you were told by lawyers.

18 THE WITNESS: Right. It was discussed as a  
19 possibility.

20 BY MS. ELLSWORTH:

21 Q. What was the nature of that discussion?

22 A. I think the idea was that it was not going  
23 to happen in the near future.

24 Q. But that it might happen at some point in  
25 the future?



1 I, the undersigned, a Certified Shorthand  
2 Reporter of the State of California, do hereby  
3 certify:

4 That the foregoing proceedings were taken  
5 before me at the time and place herein set forth;  
6 that any witnesses in the foregoing proceedings,  
7 prior to testifying, were duly sworn; that a record  
8 of the proceedings was made by me using machine  
9 shorthand which was thereafter transcribed under my  
10 direction; that the foregoing transcript is a true  
11 record of the testimony given.

12 Further, that if the foregoing pertains to  
13 the original transcript of a deposition in a Federal  
14 Case, before completion of the proceedings, review of  
15 the transcript [ ] was [X] was not requested.

16 I further certify I am neither financially  
17 interested in the action nor a relative or employee  
18 of any attorney or party to this action.

19 IN WITNESS WHEREOF, I have this date  
20 subscribed my name.

21  
22 Dated: May 26, 2017

23 

24 CARRIE PEDERSON

25 CSR No. 4373